

HOUSE BILL 878

C5

2lr2099

By: **Delegates Glass and Boteler**

Introduced and read first time: February 9, 2012

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Public Utilities – Smart Meters – Opt-Out Option**

3 FOR the purpose of requiring a certain electric company to give certain written notice
4 to certain customers before installing smart meters on a customer's premises
5 under certain circumstances; specifying that only a landlord that owns premises
6 may opt out of a smart meter installation; establishing a process by which a
7 certain customer shall be deemed to have given permission to a certain electric
8 company to install a smart meter; establishing a process by which a new owner
9 of premises may request removal of an installed smart meter; providing that
10 certain customers may refuse to allow an electric company to install a certain
11 smart meter; providing that a certain customer who has refused to allow a
12 certain electric company to install a smart meter may later submit a written
13 request to the electric company for the installation of a smart meter; defining a
14 certain term; providing for the application of this Act; and generally relating to
15 the installation of smart meters by electric companies.

16 BY adding to

17 Article – Public Utilities

18 Section 7–302.1

19 Annotated Code of Maryland

20 (2010 Replacement Volume and 2011 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
22 MARYLAND, That the Laws of Maryland read as follows:

23 **Article – Public Utilities**

24 **7–302.1.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(A) IN THIS SECTION, “SMART METER” MEANS A DIGITAL METER THAT**
2 **ALLOWS TWO-WAY COMMUNICATION BETWEEN AN ELECTRIC CUSTOMER’S**
3 **PREMISES AND AN ELECTRIC COMPANY THROUGH A WIRELESS NETWORK.**

4 **(B) (1) NOTWITHSTANDING ANY OTHER LAW, IF AN ELECTRIC**
5 **COMPANY DEPLOYS SMART METERS THROUGHOUT ALL OR A PORTION OF THE**
6 **ELECTRIC COMPANY’S SERVICE TERRITORY, THE ELECTRIC COMPANY SHALL**
7 **GIVE WRITTEN NOTICE OF THE DEPLOYMENT TO EACH CUSTOMER IN THE**
8 **AFFECTED PORTION OF THE SERVICE TERRITORY.**

9 **(2) ONLY A LANDLORD THAT OWNS THE PREMISES WHERE A**
10 **SMART METER WOULD BE INSTALLED MAY OPT OUT OF A SMART METER**
11 **INSTALLATION.**

12 **(3) IN THE NOTICE REQUIRED UNDER THIS SECTION, THE**
13 **ELECTRIC COMPANY SHALL PROVIDE TO THE CUSTOMERS THE OPPORTUNITY**
14 **TO REFUSE THE INSTALLATION OF A SMART METER BY RETURN MAILING OF THE**
15 **NOTICE INDICATING THE CUSTOMER’S DECISION TO REFUSE THE INSTALLATION**
16 **OF A SMART METER.**

17 **(4) A CUSTOMER IS DEEMED TO HAVE GIVEN PERMISSION TO THE**
18 **ELECTRIC COMPANY TO INSTALL A SMART METER:**

19 **(I) ON RECEIPT BY THE ELECTRIC COMPANY OF A**
20 **RETURNED NOTICE EXPLICITLY GRANTING PERMISSION; OR**

21 **(II) IF THE ELECTRIC COMPANY HAS NOT RECEIVED A**
22 **RETURNED NOTICE WITHIN 30 DAYS AFTER THE NOTICE IS GIVEN.**

23 **(C) A NEW OWNER OF PREMISES CONTAINING AN INSTALLED SMART**
24 **METER MAY REQUEST REMOVAL OF THE SMART METER IF THE REQUEST IS:**

25 **(1) IN WRITING; AND**

26 **(2) MADE WITHIN 30 DAYS AFTER THE NEW OWNER BEGINS**
27 **RECEIVING ELECTRIC SERVICE AT THE PREMISES.**

28 **(D) A CUSTOMER THAT HAS REFUSED TO ALLOW AN ELECTRIC**
29 **COMPANY TO INSTALL A SMART METER ON THE CUSTOMER’S PREMISES MAY**
30 **LATER SUBMIT A WRITTEN REQUEST TO THE ELECTRIC COMPANY TO INSTALL A**
31 **SMART METER ON THE CUSTOMER’S PREMISES.**

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
33 construed to apply retroactively and shall be applied to and interpreted to enable a

1 customer to request removal of an installed smart meter by providing written notice to
2 an electric company within 30 days after the effective date of this Act.

3 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 June 1, 2012.